

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:

ROUGE INDUSTRIES, INC., *et al.*,
Debtors.

ROUGE STEEL COMPANY,

Plaintiff,

v.

OMNISOURCE CORPORATION – FORT
WAYNE BROK,

Defendant.

Chapter 11

Case No. 03-13272 (MFW)

Adv. Pro. No. 05-52242 (PBL)

**PLAINTIFF/APPELLANT'S DESIGNATION OF THE ITEMS TO BE
INCLUDED IN THE RECORD ON APPEAL AND A
STATEMENT OF THE ISSUES TO BE PRESENTED**

Plaintiff/Appellant Rouge Steel Company having been granted leave to take an interlocutory appeal by an Order of the United States District Court for the District of Delaware dated April 17, 2006, hereby designates the items to be included in the record on appeal and a statement of the issues to be presented pursuant to Rule of Bankruptcy Procedure 8006.

ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

1. Complaint To Avoid Certain Preferential Transfers, To Recover Property And For Related Relief (D.I. 1).
2. Defendant's Answer And Affirmative Defenses To Plaintiff's Complaint To Avoid Certain Preferential Transfers, To Recover Property And For Related Relief (D.I. 7).
3. Plaintiff's Motion For Leave To File An Amended Complaint (D.I. 24).

4. Memorandum Of Law In Response To Plaintiff's Motion For Leave To File An Amended Complaint (D.I. 27).

5. Plaintiff Rouge Steel Company's Reply Brief In Support Of Its Motion For Leave To File An Amended Complaint (D.I. 28).

6. Notice Of Completion Of Briefing And Request For Oral Argument (RE: Adv. D.I. 24, 27 & 28) (D.I. 29).

7. Memorandum And Order Denying Motion Of Plaintiff For Leave To File An Amended Complaint (D.I. 35).

8. Motion For Leave To File Appeal Under 28 U.S.C. § 158(a) (D.I. 37).

9. Notice Of Appeal (D.I. 38).

STATEMENT OF THE ISSUE TO BE PRESENTED ON APPEAL

1. Whether the Bankruptcy Court erred in denying Plaintiff/Appellant's Motion for Leave to File an Amended Complaint on the ground that it would be futile to allow an amendment because the relief sought in the proposed Amended Complaint is barred by the applicable two year statute of limitations under 11 U.S.C. § 546(a).

Dated: April 18, 2006

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ William H. Sudell, Jr.

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